

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 8:</b> Out-of-Home Services	<b>Effective Date:</b> June 1, 2008
	<b>Section 2:</b> Consideration of Race, Color or National Origin. The Inter-ethnic Placement Act (IEPA)	<b>Version:</b> 2

<b>POLICY</b>	<b>OLD POLICY: 403.32</b>
---------------	---------------------------

In accordance with federal law, the Indiana Department of Child Services (DCS) will not delay or deny the placement of a child based on the race, color or national origin of the resource parent(s) or the child involved.

**Note:** An exception may be made when compelling circumstances exist (i.e., the only way to achieve the best interest of the child is to consider cultural heritage).

1. As mandated by federal law, DCS will not consider requests by a parent/guardian/custodian to place his/her child with resource parent(s) of a specific racial, ethnic, and/or cultural group, regardless of whether the child was voluntarily or involuntarily removed, unless the above note applies.
2. The DCS Local Office Director or his/her designee will review and approve all requests to consider the race, color or national origin of either a child or resource parent(s).
3. Any DCS employee or agent who violates this policy is subject to immediate dismissal or contract revocation.
4. DCS will follow a separate policy when working with Indian (Native American) Children.

#### Code Reference

[42 U.S.C. Sec. 1996b: Inter-ethnic Placement Act \(IEPA\)](#)

<b>PROCEDURE</b>
------------------

The Family Case Manager (FCM) will:

1. Determine whether the child's special needs can be met without a race or ethnicity-based placement decision. Any consideration of race or ethnicity must be in the context of an individualized placement decision, when a specific child and a specific family are being assessed for a potential placement.
2. Consult with the Supervisor any identified compelling circumstances related to race and ethnicity that require consideration as soon as the child comes into out-of-home care.
3. The FCM must document the circumstances in ICWIS case log and is encouraged to seek the advice of a medical or mental health professional.
4. Seek input from his/her supervisor, if the Child and Family Team (CFT) believe there are compelling circumstances.
5. Ensure that the case is staffed with the DCS Local Office Director and the Regional Manager, if the Supervisor believes there are compelling circumstances.

6. Ensure that all case information is forwarded to the local DCS Local Office Director or his/her designee for final approval, if the Regional Manager believes there are compelling circumstances.

## **PRACTICE GUIDANCE**

N/A

## **FORMS AND TOOLS**

MEPA-IEP is consistent with good child welfare practice. Both MEPA-IEP and good practice require: individual decision making; consideration of all of the child's needs from the time the child first comes into contact with the child welfare system; consistent attention to all those needs throughout the child's relationship with the agency and in each placement decision; active recruitment of potential foster and adoptive parents from all segments of the community; development of a pool of foster and adoptive parents that respond to the needs of the children in care; eligibility criteria for foster and adoptive parents that are related to their ability to care for a child; and support and respectful treatment of all prospective parents. Good practice will improve permanence for children and decrease the chances that MEPA-IEP will be violated.

## **RELATED INFORMATION**

### **Compelling Circumstances**

1. Make individual decisions based on sound child welfare practice and the best interest of the child.
2. Same-race placements are not required, nor are they prohibited. Similarly, transracial placements are not required, nor are they prohibited. Decisions should be based on a careful assessment of the characteristics and needs of each child and the potential caregivers of the child.

**Note:** A Guide to The Multiethnic Placement Act of 1994 (MEPA) as amended and replaced by the Interethnic Adoption Provisions of 1996, (IEAPA) see the following website for additional information. <http://www.acf.hhs.gov/programs/cb/pubs/mepa94/mepachp4.htm>

### **Addressing Language Barriers**

A language barrier is not justification for consideration of race, color or national origin. For example, a child who only speaks Spanish may need a Spanish speaking caregiver, but that requirement may be met without consideration of the caregiver's race, color or national origin.